

## SOUTHERN AREA LICENSING SUB-COMMITTEE

---

**DRAFT MINUTES OF THE SOUTHERN AREA LICENSING SUB-COMMITTEE MEETING HELD ON 1 FEBRUARY 2011 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU IN RESPECT OF AN APPLICATION FOR A PREMISES LICENSE BY COTE RESTAURANTS LIMITED IN RESPECT OF COTE RESTAURANT, ST. THOMAS' SQUARE, SALISBURY.**

**Present:**

Cllr Bill Moss, Cllr Jose Green and Cllr George Jeans

**Also Present:**

Mr Roy Light, *Counsel to Cote Restaurants Ltd*, Mr Steven Seagar, *Property Director Cote Restaurants Ltd*, Mrs Liza Inzani, *Solicitor*, Ms Louise Neilson *DPS*

Mr P.Knipe, *Interested Party*

---

6. **Election of Chairman**

Nominations for a Chairman of the Licensing Sub-Committee were sought and it was

**Resolved:**

**To elect Councillor Bill Moss as Chairman for this meeting only.**

7. **Procedure for the Meeting**

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 1 – 8 of the Agenda refers).

8. **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

9. **Declarations of Interest**

There were no interests declared.

## 10. Licensing Application

### **Application by Cote Restaurants Limited for a Premises Licence in respect of Cotes Restaurant, St Thomas' Square, Salisbury**

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

In accordance with the procedure detailed in the agenda, the Applicant and the Interested Party were given the opportunity to address the Sub-Committee.

Key points raised by Roy Light, Counsel on behalf of the Applicant were:

- That the premises for which the licence is sought will be a restaurant which people frequent in order to eat food, rather than drink alcohol.
- The proposed restaurant is of a good design – it will have a clean and tidy ambience, that will encourage people to act in a responsible manner
- The food and drink to be served is high-quality – the premises are not to be a public house.
- A number of flats are nearby in the Maltings, from which two objectors have sent representations; these are possibly too far away to be directly affected
- Steven Seagar, Director of Cotes Restaurants Limited, had met Mr Knipe, a resident who lived opposite the site, and his concerns had contributed to the conditions proposed by the applicant
- The Church was supportive
- A list of suggested conditions, included on page 32 of the agenda, and the following amended/additional conditions were suggested:

*8) Challenge 25 years and a proof of age system to be adopted. Only ID to be passport, driving license or accredited proof of age card*

*9) All refuse, including bottles, to be stored inside the premises and not to be put outside before 7am and after 9pm.*

*10) All deliveries and collections including refuse to be made after 7am and before 9pm.*

The application for the licence to include the playing of recorded music would be withdrawn. The only music that would be played at the premises would be background music, which is not a licensable activity

Councillors then asked questions of the applicant's team and a number of points were explained:

- A maximum of 24 people/7 tables would be outside
- The company possessed a leasehold on the property
- The company had experience of running further Cote restaurants and similar ventures in/near residential areas.

The applicants suggested a further condition:

*11) Outside tables to be vacated by 10pm*

The Chairman then invited Mr Knipe, (representing himself and also two other interested parties Mrs Coward and Mrs Hinkley) to speak. His concerns revolved around the change of use of the site from its existing function as Tea Rooms closing at 6pm to licensed premises ending at midnight.

- Mr Knipe and his wife already were victims of noise and anti-social behaviour emanating from another nearby premise; they did not wish this situation to be repeated.
- The close proximity to Mr Knipe's house meant that no matter how well run the premises may be, those living there will suffer disrupted sleep, due to day-to-day operation of the business.
- Concern that parking for residents and access for churchgoers, parades and emergency services could be obstructed, both during building works and as a result of the operation of the restaurant.

The possibility of a number of conditions was raised, to partly address the above concerns of the objectors, namely – *restriction of opening hours; noise inaudible outside the premises; control of noise and odours; control of waste and bottles; building work should cease in the evenings.*

The parties were given the opportunity to ask questions of the Applicant, Responsible Authority, Interested Parties and Wiltshire Council Officers. A debate ensued in which the Sub Committee and those present discussed the impossibility of conditioning building works/times, and extractor details/odour controls (these were planning matters), and it was made clear that background music was permitted without a licence. If such music became audible outside the premises, then it would no longer be background music and would require to be licensed. If another party were to take control of the premises and wished to play recorded or live music there, they would have to apply to vary the Premises licence.

The Sub-Committee members received clarification on these points from the council's solicitor before adjourning to consider the application. They were accompanied by the council's solicitor and the Democratic Services Officer. The applicant and representatives, interested parties and the Licensing officer left the room.

The Sub-Committee then adjourned to consider their decision at 11.15

The Hearing reconvened at 11.55

The Sub-Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council, and

**Resolved:**

**To grant the application with operating hours and proposed conditions as applied for, with the removal of the application for recorded music.**

**Additional and/or adjusted conditions are as follows:**

**8) Challenge 25 years and a proof of age system to be adopted. Only ID to be passport, driving licence or accredited proof of age card**

**9) All refuse, including bottles, to be stored inside the premises and not to be put outside before 7am and after 9pm. No bottles to be put outside on a Sunday.**

**10) All deliveries and collections including refuse to be made after 7am and before 9pm. No collection of bottles to take place on Sundays.**

**11) Outside tables to be vacated by 10pm**

**Informative:**

**The license-holder is responsible for ensuring that the operation of the premises complies with all other legal requirements.**

**Evidence:**

**The Sub-Committee considered the written evidence attached to the agenda. In addition the Committee heard evidence Roy Light of Counsel on behalf of the applicant; Liza Inzani, the applicant's solicitor; together with Steve Seagar, the Director of the Cote Restaurants and Louise Neilson, Openings Manager and Designated Premises Supervisor (DPS).**

**The Sub-Committee also heard evidence from the following individuals who had made written submissions objecting to the application:**

**Mr Knipe, also on behalf of Mrs Howard and Mrs Hinkley.**

**Reasons**

**The sub-committee was satisfied that the conditions set out in the operating schedule, together with the additional agreed conditions 9, 10 and 11, and the adjusted condition number 8, would satisfy the licensing objectives.**

(Duration of meeting: 10.35 am - 12.00 pm)

The Officer who has produced these minutes is Liam Paul, of Democratic Services  
direct line 01225 718376, e-mail [liam.paul@wiltshire.gov.uk](mailto:liam.paul@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115